

HB 2000 - S COMM AMD

By Committee on Ways & Means

ADOPTED 4/15/2015

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.06 RCW to read as follows:

The legislature intends to further the government-to-government relationship between the state of Washington and federally recognized Indian tribes in the state of Washington by authorizing the governor to enter into agreements concerning the regulation of marijuana. Such agreements may include provisions pertaining to: The lawful commercial production, processing, sale, and possession of marijuana for both recreational and medical purposes; marijuana-related research activities; law enforcement, both criminal and civil; and taxation. The legislature finds that these agreements will facilitate and promote a cooperative and mutually beneficial relationship between the state and the tribes regarding matters relating to the legalization of marijuana, particularly in light of the fact that federal Indian law precludes the state from enforcing its civil regulatory laws in Indian country. Such cooperative agreements will enhance public health and safety, ensure a lawful and well-regulated marijuana market, encourage economic development, and provide fiscal benefits to both the tribes and the state.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor may enter into agreements with federally recognized Indian tribes concerning marijuana. Marijuana agreements may address any marijuana-related issue that involves both state and tribal interests or otherwise has an impact on tribal-state relations. Such agreements may include, but are not limited to, the following provisions and subject matter:

(a) Criminal and civil law enforcement;

1 (b) Regulatory issues related to the commercial production,
2 processing, sale, and possession of marijuana, and processed
3 marijuana products, for both recreational and medical purposes;

4 (c) Medical and pharmaceutical research involving marijuana;

5 (d) Taxation in accordance with subsection (2) of this section;

6 (e) Any tribal immunities or preemption of state law regarding
7 the production, processing, or marketing of marijuana; and

8 (f) Dispute resolution, including the use of mediation or other
9 nonjudicial process.

10 (2) Each marijuana agreement adopted under this section must
11 provide for a tribal marijuana tax that is at least one hundred
12 percent of the state marijuana excise tax imposed under RCW 69.50.535
13 and state and local sales and use taxes on sales of marijuana.
14 Marijuana agreements shall apply to sales in which Indian businesses
15 make delivery and physical transfer of possession of the marijuana
16 from the seller to the buyer within Indian country, and not to
17 transactions by non-Indian businesses. The tribe may allow an
18 exemption for sales to tribal members.

19 (3) Any marijuana agreement relating to the production,
20 processing, and sale of marijuana in Indian country, whether for
21 recreational or medical purposes, must address the following issues:

22 (a) Preservation of public health and safety;

23 (b) Ensuring the security of production, processing, retail, and
24 research facilities; and

25 (c) Cross-border commerce in marijuana.

26 (4) The governor may delegate the power to negotiate marijuana
27 agreements to the state liquor control board. In conducting such
28 negotiations, the state liquor control board must, when necessary,
29 consult with the governor and/or the department of revenue.

30 (5) The definitions in this subsection apply throughout this
31 section unless the context clearly requires otherwise.

32 (a) "Indian business" means (i) a business wholly owned and
33 operated by an Indian tribe, or (ii) a business wholly owned and
34 operated by a tribal member and licensed by the tribe.

35 (b) "Indian country" has the same meaning as in RCW 82.24.010.

36 (c) "Indian tribe" or "tribe" means a federally recognized Indian
37 tribe located within the geographical boundaries of the state of
38 Washington.

1 (d) "Marijuana" means "marijuana," "marijuana concentrates,"
2 "marijuana-infused products," and "useable marijuana," as those terms
3 are defined in RCW 69.50.101.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 69.50
5 RCW to read as follows:

6 The taxes, fees, assessments, and other charges imposed by this
7 chapter do not apply to commercial activities related to the
8 production, processing, sale, and possession of marijuana, useable
9 marijuana, marijuana concentrates, and marijuana-infused products
10 covered by an agreement entered into under section 2 of this act.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 82.08
12 RCW to read as follows:

13 The taxes imposed by this chapter do not apply to the retail sale
14 of marijuana, useable marijuana, marijuana concentrates, and
15 marijuana-infused products covered by an agreement entered into under
16 section 2 of this act. "Marijuana," "useable marijuana," "marijuana
17 concentrates," and "marijuana-infused products" have the same meaning
18 as defined in RCW 69.50.101.

19 NEW SECTION. **Sec. 5.** A new section is added to chapter 82.12
20 RCW to read as follows:

21 The taxes imposed by this chapter do not apply to the use of
22 marijuana, useable marijuana, marijuana concentrates, and marijuana-
23 infused products covered by an agreement entered into under section 2
24 of this act. "Marijuana," "useable marijuana," "marijuana
25 concentrates," and "marijuana-infused products" have the same meaning
26 as defined in RCW 69.50.101.

27 **Sec. 6.** RCW 69.50.360 and 2014 c 192 s 5 are each amended to
28 read as follows:

29 The following acts, when performed by a validly licensed
30 marijuana retailer or employee of a validly licensed retail outlet in
31 compliance with rules adopted by the state liquor control board to
32 implement and enforce chapter 3, Laws of 2013, (~~shall~~) do not
33 constitute criminal or civil offenses under Washington state law:

34 (1) Purchase and receipt of marijuana concentrates, useable
35 marijuana, or marijuana-infused products that have been properly

1 packaged and labeled from a marijuana processor validly licensed
2 under chapter 3, Laws of 2013;

3 (2) Possession of quantities of marijuana concentrates, useable
4 marijuana, or marijuana-infused products that do not exceed the
5 maximum amounts established by the state liquor control board under
6 RCW 69.50.345(5); ~~((and))~~

7 (3) Delivery, distribution, and sale, on the premises of the
8 retail outlet, of any combination of the following amounts of
9 marijuana concentrates, useable marijuana, or marijuana-infused
10 product to any person twenty-one years of age or older:

11 (a) One ounce of useable marijuana;

12 (b) Sixteen ounces of marijuana-infused product in solid form;

13 (c) Seventy-two ounces of marijuana-infused product in liquid
14 form; or

15 (d) Seven grams of marijuana concentrate; and

16 (4) Purchase and receipt of marijuana concentrates, useable
17 marijuana, or marijuana-infused products that have been properly
18 packaged and labeled from a federally recognized Indian tribe as
19 permitted under an agreement between the state and the tribe entered
20 into under section 2 of this act.

21 **Sec. 7.** RCW 69.50.363 and 2013 c 3 s 16 are each amended to read
22 as follows:

23 The following acts, when performed by a validly licensed
24 marijuana processor or employee of a validly licensed marijuana
25 processor in compliance with rules adopted by the state liquor
26 control board to implement and enforce chapter 3, Laws of 2013,
27 ~~((shall))~~ do not constitute criminal or civil offenses under
28 Washington state law:

29 (1) Purchase and receipt of marijuana that has been properly
30 packaged and labeled from a marijuana producer validly licensed under
31 chapter 3, Laws of 2013;

32 (2) Possession, processing, packaging, and labeling of quantities
33 of marijuana, useable marijuana, and marijuana-infused products that
34 do not exceed the maximum amounts established by the state liquor
35 control board under RCW 69.50.345(4); ~~((and))~~

36 (3) Delivery, distribution, and sale of useable marijuana or
37 marijuana-infused products to a marijuana retailer validly licensed
38 under chapter 3, Laws of 2013; and

1 (4) Delivery, distribution, and sale of useable marijuana,
2 marijuana concentrates, or marijuana-infused products to a federally
3 recognized Indian tribe as permitted under an agreement between the
4 state and the tribe entered into under section 2 of this act.

5 **Sec. 8.** RCW 69.50.366 and 2013 c 3 s 17 are each amended to read
6 as follows:

7 The following acts, when performed by a validly licensed
8 marijuana producer or employee of a validly licensed marijuana
9 producer in compliance with rules adopted by the state liquor control
10 board to implement and enforce chapter 3, Laws of 2013, (~~shall~~) do
11 not constitute criminal or civil offenses under Washington state law:

12 (1) Production or possession of quantities of marijuana that do
13 not exceed the maximum amounts established by the state liquor
14 control board under RCW 69.50.345(3); (~~and~~)

15 (2) Delivery, distribution, and sale of marijuana to a marijuana
16 processor or another marijuana producer validly licensed under
17 chapter 3, Laws of 2013; and

18 (3) Delivery, distribution, and sale of marijuana or useable
19 marijuana to a federally recognized Indian tribe as permitted under
20 an agreement between the state and the tribe entered into under
21 section 2 of this act."

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22 On page 1, line 3 of the title, after "marijuana;" strike the
23 remainder of the title and insert "amending RCW 69.50.360, 69.50.363,
24 and 69.50.366; adding new sections to chapter 43.06 RCW; adding a new
25 section to chapter 69.50 RCW; adding a new section to chapter 82.08
26 RCW; and adding a new section to chapter 82.12 RCW."

EFFECT: Requires that any agreement must contain at least the
equivalent tax on marijuana that the state has on marijuana.

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